

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Terves LLC,)	
)	Case No. 1:19-cv-1611-DCN
Plaintiff,)	
)	Judge Donald C. Nugent
v.)	
)	
Yueyang Aerospace New Materials Co.)	
Ltd. et al.,)	
)	
Defendants.)	

Terves' and Defendants' Joint Motion for Extension of Deadlines

In accordance with Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure, plaintiff Terves LLC and defendants Ecometal Inc. and Nick Yuan (collectively, "Ecometal") jointly and respectfully request that the Court extend all case deadlines by 60 days. The good cause for this request is as follows:

On March 29, 2021, this Court entered its claim construction ruling. (ECF #89.) That ruling triggers the fact discovery cutoff (30 days after claim construction ruling) and other deadlines in the case. The parties need additional time to complete fact discovery.

Since the *Markman* hearing on February 24, 2021, the parties have dedicated their time to resolving the disputed claim constructions. The parties made good progress in narrowing the issues for this Court. By focusing attention on claim construction issues, however, the parties did not make substantial progress in fact discovery and thus need additional time to finish fact discovery. Additionally, counsel for Terves is previously committed to several matters that will consume considerable time throughout April, including: prosecuting a preliminary injunction motion pending in the United States

District Court for the Southern District of Ohio; analyzing an Appellant Brief and drafting an Appellee Brief in the Court of Appeals of the Federal Circuit in an appeal from a patent case; and pressing work in various other matters. Similarly, counsel for Ecometal has significant and pressing work in other cases that will preoccupy much of its attention in April.

Although the parties have responded to all outstanding written discovery, the parties still need to complete supplemental written discovery and conduct several fact witness depositions. Due to the press of other commitments, counsel for the parties will be unable to complete the remaining discovery work by the current fact discovery deadline. Thus, to allow more time to complete fact discovery, the parties request the following amended scheduling order:

<i>Event</i>	<i>Current Deadline</i>	<i>New Deadline</i>
Final Infringement Contentions	April 13, 2021	June 14, 2021
Status Conference per Local Patent Rule 4.7	April 28, 2021	June 28, 2021
Final Noninfringement, Invalidity, and Unenforceability Contentions	April 28, 2021	June 28, 2021
Final Validity and Enforceability Contentions	May 13, 2021	July 12, 2021
Close of Fact Discovery	April 28, 2021	June 28, 2021
Initial Expert Disclosures	May 28, 2021	July 27, 2021
Rebuttal Expert Disclosures	June 28, 2021	August 27, 2021
Close of Expert Discovery	August 9, 2021	October 8, 2021
Final Dispositive Motions	August 19, 2021	October 18, 2021

This request is not made for delay or any improper purpose, and instead is sought because there is a genuine need for more time to complete fact discovery to resolve the issues before the Court. Because the parties make this request jointly, neither party would be prejudiced by the extension.

For these reasons, the parties jointly ask the Court to grant this motion.

Dated: March 30, 2021

Respectfully submitted,

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